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ABSTRACT

Designed for middle school through high school students, this unit contains eight lesson plans that focus on Pennsylvania state law. The state lessons correspond to lessons in the volume, "Antidote: Civic Responsibility. Drug Avoidance Lessons for Middle School & High School Students. Developed to be presented by educators, law student, or attorneys, the state lessons are interactive and sequential, although individual lessons can stand alone. The document includes legal information about driving while intoxicated, drug offenses, sentencing, and drug and alcohol statutes written specifically to combat juvenile abuse. (RJC)

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# Antidote: Civic Responsibility

## Pennsylvania Law

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## Lesson 1

1. **Has Aimee violated any State laws? Have her parents?**

   Aimee has not violated any existing law, since there is presently no law which makes a minor liable for unintentionally dangerous acts toward another minor. Her parents, however, may be guilty under 18 Pa.C.S.A. § 4304, which states , "A parent, guardian, or other person supervising the welfare of a child under 18 years of age commits a misdemeanor of the first degree if he knowingly endangers the welfare of the child by violating a duty of care, protection or support." The parents' behavior may be considered to endanger the welfare of both children if Aimee is left alone to care for Carrie regularly or for long periods of time.

2. **Does State statute allow 17-year-old Tyrell to drink a glass of wine with his dinner without his parents' consent?**

   Tyrell may not drink the wine. Anyone under 21 years of age violates 18 Pa.C.S.A. § 6308 if he "attempts to purchase, purchases, consumes, possesses or knowingly and intentionally transports any liquor or malt or brewed beverages." If his parents knowingly or intentionally provide the wine, they are violating 18 Pa.C.S. § 6310.1 and 47 P.S. § 4-493, which prohibit providing liquor, malt or brewed beverages to minors except in the context of a religious ceremony.

3. **Is Maria violating any law when she tells her roommates whom to call to buy marijuana?**

   Maria could be violating several laws when she directs her roommates to a marijuana dealer. 35 P.S. § 780-113, part of Pennsylvania's Controlled Substance, Drug, Device and Cosmetic Act, prohibits, among other drug-related offenses, knowingly or intentionally possessing a controlled substance and delivering a controlled substance or possessing such substance with intent to deliver; it also bans causing any of the prohibited acts. Maria could be considered an accessory before the fact to the delivery or possession of the marijuana. In addition, Maria could be guilty of criminal conspiracy, depending upon the extent of her involvement with the drug trafficker; 18 Pa.C.S.A. § 903 states, "A person is guilty of conspiracy with another person or persons to commit a crime if with the intent of promoting or facilitating its commission he agrees with such other person or persons that they or one or more of them will engage in conduct which constitutes a crime or an attempt or solicitation to commit such a crime; or agrees to aid such other person or persons in the planning or commission od such crime or of an attempt or solicitation to commit such crime."

4. **Have Adam and Alex broken any laws other than those against drinking and fighting?**

Yes; other than illegally consuming alcohol, 18 Pa.C.S.A. § 6308, simple assault and possibly aggravated assault, 18 Pa.C.S.A. §§ 2701 and 2702, Adam and Alex are guilty of reckless endangerment under 18 Pa.C.S.A. § 2705. More seriously, they may be charged with involuntary manslaughter under 18 Pa.C.S. § 2504, which states, "A person is guilty of involuntary manslaughter when as a direct result of the doing of an unlawful act in a reckless or grossly negligent manner, or the doing of a lawful act in a reckless or grossly negligent manner, he causes the death of another person."

5. **Has Jose violated any State law even though he is not drinking? Has Carlos or TJ violated any State law?**

Jose can be charged under 18 Pa.C.S. § 6308 with "knowingly and intentionally transporting...liquor or malt or brewed beverages," which is unlawful for a minor. TJ, who is only 18 years old, can be charged under the same statute, which also includes "consuming or possessing any liquor or malt or brewed beverage."

Carlos, who is 21 years old, can be charged under 18 Pa.C.S. § 6310.1 and 47 P.S. § 4-493 for furnishing alcohol to minors. Additionally, he is violating 18 Pa.C.S. § 6301, prohibiting "any act [which] corrupts or tends to corrupt the morals of any minor" or aiding, abetting, enticing, encouraging or assisting a minor in the commission of a crime.

6. **Is Dr. Melrose committing any violation by prescribing painkillers without conducting an examination or determining need?**

Dr. Melrose is violating not only state but federal law. First, he is violating 35 P.S. § 780-113 (14), which prohibits the "administration, dispensing, delivery, gift or prescription of any controlled substance by any practitioner...unless done in good faith in the course of his professional practice; within the scope of the patient relationship; [and] in accordance with principles accepted by a responsible segment of the medical profession." Also, under U.S. law 21 U.S.C.A. § 829, a physician must have a legitimate medical purpose for dispensing drugs, and the act of dispensing or prescribing drugs should be within the usual course of professional practice. U.S. v. Varma, 691 F.2d 460; U.S. v. Jamieson, 605 F.Supp. 119.

Dr. Melrose's patients, if they do not provide to him a bona fide reason for needing the painkillers, may also be breaking state and federal law. Under state law 35 P.S. § 780-113 (12) and federal law 21 U.S.C.A. § 843, the acquisition of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge is unlawful.

7. **Is Danielle violating any law by taking only one or two pills from someone else's prescription?**

Danielle is violating several state and federal laws. The least serious offense she has committed is theft, which may be graded under 18 Pa.C.S. § 3903 according to the value of the property taken; 18 Pa.C.S. § 3902 allows consolidation of multiple theft offenses into a single charge, so that depending on how often, how much and what type of drugs she steals, Danielle could face felony theft charges.

More seriously, Danielle has violated several sections of the Controlled Substance, Drug, Device and Cosmetic Act and other drug-control statutes. Danielle is essentially dispensing controlled substances to herself, and 35 P.S. § 780-111 prohibits dispensing controlled substances under the various control schedules without the written prescription of a licensed practitioner. Indeed, the same statute requires this statement on the label of all controlled substances: "Transfer of this drug to anyone other than the patient for whom it was prescribed is illegal." Under state law 35 P.S. § 780-113 (12) and 63 P.S. § 390-8, the acquisition of a controlled substance by misrepresentation, fraud, forgery, deception or subterfuge is unlawful; under 35 P.S. § 780-113 (16), knowingly or intentionally possessing a controlled substance, unless the substance was prescribed by a licensed practitioner, is also illegal.

Danielle is also violating U.S. law under 21 U.S.C.A. § 843, which prohibits knowingly or unknowingly acquiring possession of a controlled substance by misrepresentation, fraud, forgery, deception, or subterfuge, and 21 U.S.C.A. § 844, which prohibits simple possession of a controlled substance unless such substance was obtained by prescription. The seriousness of her crime under these drug-control codes will depend on the type of drug which she is taking from the customer's prescription and how she uses it.

8. **Is Renee breaking state law even though she is not selling the drugs herself?**

Even though she is not selling the drugs directly, Renee is violating several state and federal laws. She has violated several sections of the Controlled Substance, Drug, Device and Cosmetic Act as well as other drug-control statutes. 35 P.S. § 780-111 prohibits dispensing controlled substances under the various control schedules without the written prescription of a licensed practitioner. Under 35 P.S. § 780-113 (16), knowingly or intentionally possessing a controlled substance, unless the substance was prescribed by a licensed practitioner, is also illegal; clause (30) of the same section prohibits the manufacture, delivery, or possession with intent to manufacture or deliver, of a controlled substance. Violation of clause (30) is a felony.

Renee is also violating federal statues such as 21 U.S.C.A. § 841, prohibiting possession of a controlled substance with the intent to manufacture, distribute or dispense such substance,

and 21 U.S.C.A. § 844, prohibiting simple possession of a controlled substance.

Renee's involvement of her young daughter in drug trafficking is a violation of several statutes involving minors and child welfare. Renee is liable for prosecution for her daughter selling the drugs under 18 Pa.C.S.A. § 306, both because her daughter is a minor and because Renee caused "an innocent or irresponsible person to engage in...[criminal] conduct." She is guilty under 18 Pa.C.S.A. § 6301 of the corruption of a minor, for enticing or encouraging her daughter in the commission of the crime of drug trafficking and under 35 P.S. § 780-114, for distributing controlled substances to persons under age 18. She is also guilty of endangering her daughter's welfare, a first-degree misdemeanor under 18 Pa.C.S.A. § 4304.

For involving her daughter in drug trafficking, Renee will receive heavier sentencing under state and federal statutes. Under 18 Pa.C.S.A. § 6314 (a), a mandatory minimum sentence of one year is imposed "if the delivery or possession with intent to deliver of the controlled substance was to a minor...." Section (b) of the same statute imposes an additional mandatory two-year sentence if the offense was committed with the intent to promote the habitual use of a controlled substance; was intended to engage the minor in the trafficking, transportation, delivery, manufacture, sale or conveyance of controlled substances; or was committed within 1,000 feet of any school, college or university.

Under federal law 21 U.S.C.A. § 859, the distribution of a controlled substance to a person under 21 years of age is subject to increased penalties. The United States expressed its concern with the importance of protecting children from drug trafficking under 21 U.S.C.A. § 860, which imposes heavier prison sentences in cases involving the distribution or manufacture of controlled substances in the proximity of schools, playgrounds, or youth centers. 18 U.S.C.A. App. 4 § 3B1.3 also provides for increased sentences in cases of abuse of position of trust, as in a drug-trafficking defendant's involvement of her young daughter in the drug trade. U.S. v. Ledesma, C.A.11 (Ga.) 1992, 979 F.2d 816.

9. **Did Jim violate any law other than those regarding controlled substances?**

Jim may be guilty of simple assault, defined under 18 Pa.C.S.A. § 2701 as negligently causing "bodily injury to another with a deadly weapon." The AIDS virus may be considered a deadly weapon, and Jim was negligent if he knew of his infection and shared the needle with Andre anyway. He is also guilty under 18 Pa.C.S.A § 2705 of recklessly endangering another person, a second-degree misdemeanor. This charge would not necessarily depend on Jim's knowing of his infection.

Andre may also be guilty--of murder. Under Pennsylvania law, "a person commits murder of the third degree who administers, dispenses, delivers, gives, prescribes, sells or distributes any controlled substance...in violation of [certain sections] of...The Controlled Substance, Drug, Device and Cosmetic Act." Such an offense carries a mandatory minimum prison sentence of five years and a fine of at least $15,000.

10. **Has the bartender or the owner at Bulldog's Bar and Grill violated any law?**

Given Su's noticeably intoxicated behavior, the bartender and the owner may both be liable; under 47 P.S. § 4-493, "it shall be unlawful for any licensee, or any employee, servant or agent of licensee to sell, furnish or give any liquor or malt or brewed beverages to any person visibly intoxicated, or any insane person, or to any minor, or to habitual drunkards, or persons of known intemperate habits."

**Lesson 2**

## CRIMINAL JUSTICE STATISTICS: DRUG AND ALCOHOL RELATED OFFENSES UNIFORM CRIME REPORT DATA OF 1990--CRIME IN THE UNITED STATES

According to the Uniform Crime Report of 1990, 68% of the drug abuse violators were arrested for possession of heroin, cocaine or a narcotic derivative. A little over 31% of drug arrests were for the sale and manufacture of drugs.

Out of the 14,195,100 total number of arrests that occurred in 1990, drug abuse violations accounted for 1,089,500, driving under the influence comprised 1,810,800, and liquor law violations represented 714,700 of the total.

### 1981-1990 Ten Year Trend

**Arrests for Drug Abuse Violations**

In 1981, the total number of arrests for drug abusers under the age of 18 was 69,383. On the other hand in 1990, the total number was 50,435. This represents a 27.3% **decrease** in the number of arrests for persons under the age of 18. However, the number of arrests for persons over the age of 18 represent an 89.9% **increase** from 332,733 in 1981 to 631,932 in 1990.

**Liquor Law Violations**

For persons over the age of 18, the number of arrests for liquor law violations have dramatically **increased** to 61% from 218,079 in 1981 to 351,064 in 1990. However, the number of arrests for persons under the age of 18 has decreased to less than 0.4%.

♦ ♦ ♦

## Criminal Victimization in the United States, 1990 A National Crime Victimization Survey Report, February, 1992

**Percent Distribution of Victimizations by Perceived Drug or Alcohol Use by Offender:**

- Of the **130,260** total rapes reported by victims to police, **49.8%** were believed to be committed by someone under the influence of drugs or alcohol.
- Of a total of **1,149,710** reported robberies, **24.2%** involved an offender under the influence of drugs or alcohol.
- Of **1,600,760** aggravated assaults committed **40%** were committed by people under the influence of drugs.
- Of the **3,128,130** simple assaults reported, **32.9%** were perpetrated by someone perceived to be under the influence of drugs or alcohol.

## Lesson 4

FEDERAL SCHEDULE (answers to handout 3)

| DRUG | SCHEDULE |
|---|---|
| heroin | schedule 1 |
| beer | not a scheduled drug |
| vodka | not a scheduled drug |
| nitrate | not a scheduled drug |
| amphetamines | schedule 3 |
| caffeine | not a scheduled drug |
| marijuana | schedule 1 |
| crack | schedule 2 |
| scotch | not a scheduled drug |
| MSG | not a scheduled drug |
| cocaine | schedule 2 |
| glue | not a scheduled drug |

FEDERAL PENALTIES BY SCHEDULE FOR POSSESSION

| SCHEDULE | MAX. PRISON | MAX. FINE | MAX. TOTAL |
|---|---|---|---|
| schedule 1 | 15 years | $25,000 | 15yrs + $25,000 |
| schedule 2 | 15 years | $25,000 | 15yrs + $25,000 |
| schedule 3 | 5 years | $15,000 | 5yrs + $15,000 |
| schedule 4 | 3 years | $10,000 | 3yrs + $10,000 |
| schedule 5 | 1 year | $ 5,000 | 1yr + $ 5,000 |
| unscheduled drug | n/a | n/a | n/a |

The penalty doubles if the defendant has a previous conviction for a schedule law violation.

In order for a drug to be a narcotic, it must be a derivative of opium. All narcotics contain opium or opium derivatives, ie: heroin.

Malt beverages such as beer are not included in the scheduling process. They are controlled by liquor laws.

Information from 21 U.S.C.A. § 841 (West 1981).

| States | Heroin | Cocaine | Crack | Marijuana | Amphetamine |
|---|---|---|---|---|---|
| Alabama | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| Alaska | sch 1A | sch 2A | sch 2A | sch 3A | sch 4A |
| Arizona | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Arkansas | sch 1 | sch 2 | sch 2 | sch 1 | not listed |
| California | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Colorado | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Connecticut | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| Delaware | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| D.C. | sch 1 | sch 2 | sch 2 | sch 2 | sch 2 |
| Florida | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Georgia | sch 1 | sch 2 | sch 2 | sch 1[1] | sch 2 |
| Hawaii | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Idaho | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Illinois | sch 1 | sch 2 | sch 2 | listed under its act: the Cannabis Control Act, 56 1/2 §701 et seq | sch 2 |
| Indiana | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Iowa | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Kansas | sch 1 | sch 2 | sch 2 | sch 1 | sch 1 |
| Kentucky | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Louisiana | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Maine[2] | sch W | sch W | sch W | sch W & Z | sch W |
| Maryland | sch 1 | sch 2 | sch 2 | sch 1 | sch 1 |
| Massachusetts[3] | class A | class B | class B | class D | class B |
| Michigan | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Minnesota | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Mississippi | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Missouri | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Montana | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |

[1] Must have more than 15% THC (tetrahydrocannobinol), the chemical in the cannabis plant.

[2] Maine schedules its drugs under an alphabetical category: W, X, Y & Z. The schedules are similar to other state categorizations.

[3] Massachusetts calls their schedules classes, but they are the same thing.

| States | Heroin | Cocaine | Crack | Marijuana | Amphetamine |
|---|---|---|---|---|---|
| Nebraska | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Nevada[4] | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| New Hampshire | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| New Jersey | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| New Mexico | sch 1 | sch 2 | sch 2 | sch 1 & 2 | sch 2 |
| New York | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| North Carolina | sch 1 | sch 2 | sch 2 | NC has a sixth schedule which incl. marijuana | sch 2 |
| North Dakota | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Ohio | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Oklahoma | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Pennsylvania | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Puerto Rico | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| Rhode Island | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| South Carolina | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| South Dakota | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Tennessee | sch 1 | sch 2 | sch 2 | sch 2, but only for certified patients under the Controlled Substances Therapeutic Research Act | sch 2 |
| Texas | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Utah | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Vermont | sch 1 | sch 2 | sch 2 | sch 1 | sch 3 |
| Virginia | sch 1 | sch 2 | sch 2 | not listed, but liquid marijuana or hashish oil is listed as sch 1 | sch 2 |
| Washington | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| West Virginia | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |
| Wisconsin | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |

[4] While Nevada does not specifically name drugs under its five schedules, but instead lists the specific tests to determine under which schedule a drug belongs § 453.2182 says that the state will use 21 USC as a guide for scheduling. The state merely reserves the right to reschedule any controlled substance as it sees fit according to the tests set out in 453.166, et. seq.

| States | Heroin | Cocaine | Crack | Marijuana | Amphetamine |
|---|---|---|---|---|---|
| Wyoming | sch 1 | sch 2 | sch 2 | sch 1 | sch 2 |

| OFFENSE/SUBSTANCE | SENTENCE |
|---|---|
| First Offense: Cocaine - Possession With Intent To Distribute - 5 kg | • imprisonment for at least 4 years, and<br>• fine of $25,000, or more if necessary to exhaust proceeds from illegal activities |
| First Offense: Trace of Heroin - Possession of 1 kg or more of a mixture with a small, but detectable amount of heroin | • imprisonment for at least 2 years, and<br>• fine of at least $5000, or larger as necessary to exhaust proceeds from illegal activities |
| First Offense: Codeine - Possession - 200 mg | • imprisonment for not more than 6 months, and/ or<br>• fine of not more than $100 |
| Second Offense: Marijuana - Possession - 50 kg | • imprisonment for at least 5 years, and<br>• fine of $50,000, or larger if necessary to exhaust proceeds from illegal activity |
| Third Offense - Methamphetamine - Possession - 100 g | • imprisonment for at least 8 years, and<br>• fine of $50,000, or larger if necessary to exhaust the proceeds from illegal activities |

Cite: 18 Pa. C.S. § 7508 (1992)

Current Federal Penalties:

**Group 1 and Group 2:** . . . person shall be sentenced to prison which may not be less than 10 years or more than life and a fine not to exceed 4 million dollars.

**Group 3:** . . . person shall be sentenced to a term of imprisonment of not more than one year, a fine not exceed $250,000 in the case of an individual.

**Group 4:** . . . person shall be sentenced to a term of imprisonment of not more than 10 years, a fine not to exceed $500,000.

**Group 5:** . . . person shall be sentenced mandatory life imprisonment without release and fine not to exceed $8 million.

Cite: 21 U.S.C. § 841 (1992).

Lesson 6 & 7

1. **What does DWI stand for?**

DWI stands for driving while intoxicated.

2. **What does DUI stand for?**

DUI stands for driving under the influence. Under 75 § 3731 it is illegal to drive while under the influence of alcohol to the degree that it renders an individual incapable of safe driving. It is also illegal to drive with a BAC of 0.10 or more.

3. **In terms of penalties, is being convicted of DWI more serious than being convicted of DUI?**

There is no distinction between the two violations.

4. **What are the penalties for being convicted of DWI? DUI?**

Title 75 § 3731 mandates the following:

| CONVICTION | PUNISHMENT |
|---|---|
| first | • minimum fine of $300, and<br>• minimum imprisonment of 48 consecutive hours in jail, and<br>• license can be suspended for 1 year |
| second (within 7 years of first) | • minimum of 30 days in jail, and<br>• license can be suspended for 1 year |
| third (two previous convictions within 7 years) | • minimum of 90 days in jail, and<br>• license can be suspended for one year |
| fourth or subsequent (previous convictions within 7 years) | • minimum of 1 year in jail., and<br>• license can be suspended for one year |
| 75 § 1532 - violation by a minor | • license can be suspended for 6 months |

5. **What is the penalty for refusing to submit to a breathalyzer test upon a police officer's reasonable request?**

Any person who drives a vehicle in the Commonwealth of Pennsylvania is deemed to have given consent to a breathalyzer test. Refusal to take the test can result in suspension of one's license for 12 months. 75 § 1547 Pennsylvania Code.

6. **What must a person's blood alcohol content (BAC) be before he/she is legally intoxicated?**

One is legally intoxicated in Pennsylvania with a BAC of 0.10. If the BAC is between 0.05 and 0.10 there is no presumption of intoxication, but it can be considered with other evidence to prove whether or not one was under the influence of alcohol.

7. **The legal limit for blood alcohol content is lower for persons under the legal drinking age of 21. True or False?**

False. Pennsylvania does not distinguish between those over 21 and those under 21..

8. **An open container of alcohol can be in your car if you are 21 or over. True or False?**

There is no general code applying to those over 21. Under 18 § 6308 it is unlawful for a person under 21 to possess, consume, or transport any alcoholic beverages. It can be presumed this includes open containers as well.

Lesson 9

Although the drinking age is 21 in all 50 states (meaning specifically that the sale of alcohol to minors is prohibited), the laws on teenage drinking vary from state to state. The laws vary in regard to whether they include prohibition of the purchase of alcohol, the attempt to purchase alcohol, the consumption of alcohol and the possession of alcohol. According to the March 11, 1993 Safety Recommendation report of the National Transportation Safety Board,

- Five states (DE, FL, MT, NH & NY) and the District of Columbia do not prohibit the purchase of alcohol by minors.
- West Virginia and the District of Columbia do not prohibit public possession of alcohol by minors.
- 23 states (AK, AR, DE, DC, FL, GA, RI, IL, IA, LA, ME, MD, MI, MS, MT, NV, NH, NY, SC, TX, UT, VT, VA) do not prohibit minors from attempting to purchase alcohol.
- 21 states (AR, CO, CT, FL, GA, MI, IA, KY, LA, MA, MS, MO, NE, NH, NM, NC, OR, SC, VT, WV, WY) do not prohibit alcohol consumption by minors.
- 16 states (AR, CA, CO, MI, KY, LA, ME, MI, NM, NY, NC, OK, SD, VA, WA, WY) do not prohibit minors from misrepresenting their age in order to purchase alcohol.
- 19 states (AL, AR, CO, DE, DC, IA, KS, LA, MD, MN, MT, NJ, OR, PA, SC, UT, VA, WA, WI) do not prohibit minors from presenting false ID to purchase alcohol.

In addition, most states do no prohibit minors from driving with alcohol in their blood unless their blood alcohol content reaches the adult legal limit, which is .10 percent in most states. Fifteen states, however, have amended their laws to lower for minors the permitted blood alcohol content while driving. These laws vary according to the age under which minors must be in order for the lower blood alcohol content to apply. Here is the layout for state laws on blood alcohol content for minors while driving:

| 0.00 BAC | 0.01 BAC | 0.02 BAC | 0.04 BAC | 0.05 BAC | 0.06 BAC |
|---|---|---|---|---|---|
| AZ (<21) | NJ (<21) | ME (<21) | RI (<21) | CA (<18) | GA (<18) |
| NC (<19) | | MD (<21) | NH (<21) | NM (<18) | |
| OR (<21) | | OH (<18) | | | |
| UT (<21) | | VT (<18) | | | |
| WI (<18) | | | | | |

A number of states have tried to cut down on teenage driving accidents by implementing nighttime driving restrictions. The following states have some form of curfew for teenage driving:

ID: minors <16 can drive during the daytime only
IL: minors <17 cannot drive between 11pm-6am Mon-Thur and 12am-6am Fri-Sun
LA: minors <15 cannot drive between 11pm-6am Mon-Thur and 12am:6am Fri-Sun
MD: minors <16 cannot drive between 12am-5am
MA: minors <18 cannot drive between 1am-4am
NY: minors <18 cannot drive between 9pm-5am
PA: minors <18 cannot drive between 12am-5am
SD: minors <16 cannot drive between 8pm-6am.